

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PELLENC, Roger; DELRAN, Robert

SERIAL NO.: 09/993,400

ART UNIT: 3671

FILED: November 6, 2001

EXAMINER: TORRES, A.M.

TITLE: UNIVERSAL REMOVABLE TOOL-HOLDER TO BE MOUNTED ON A STRADDLING
VINEYARD TRACTOR FOR AGRICULTURAL WORK IN TREE OR SHRUB
PLANTATIONS

REMARKS ON AMENDMENT "A"

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Official Action of February 13, 2003, a response being due by May 13, 2003, please consider the following remarks in conjunction with the amendments to the above-identified application as follows:

REMARKS

Upon entry of the present amendments, original Claims 1 - 10 have been canceled and new Claims 11 - 19 substituted therefor. Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art and also for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, it was indicated that Claims 1 - 7 and 10 were rejected under 35 U.S.C. § 102(b) as anticipated by the Couser patent. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Couser patent in view of the Ellinger patent. Claim 9 was rejected under 35

vertical plane and in the horizontal plane. Applicant respectfully contends that the prior art Couser patent does not have such a simple construction and simple function.

In the Couser patent, the device is described as having a primary chassis (draft beam 12) for hitching the device onto a tractor; two secondary chassis (tool beams 16, 20); four arms (rods 14, 15, 18, and 19) which create the connection between the primary chassis (draft beam 12) and the intermediate chassis (tool beams 16, 20) by means of the joints which allow a movement of the tool beams only in the horizontal plane; two jacks (hydraulic cylinders 45) which cause movement only in the horizontal plane of the intermediate chassis (tool beams 16, 20); two or four rear hitch chassis (hitch assemblies 47 and 48); three or four arms (arms 51 - 53 or 57 - 60) connecting each rear chassis (hitch assemblies 49 and 50) to one of the intermediate chassis (tool beams 16 and 20) by means of the joints which allow the movement of the rear chassis (hitch assemblies 49 and 50) only in a vertical plane; four to eight jacks (hydraulic cylinders 64 or 83) which allow the movement of these different rear hitch assemblies only in the vertical plane. As such, it can be seen that the Couser patent has a relatively complex construction.

The removable universal tool holder of the present invention is distinguished primarily from the Couser patent device by the fact that the primary chassis (1) "is directly connected" to each of the secondary hitch chassis (2A or 2B) by at least one arm (7) coupled to this primary chassis (1) and to the secondary chassis (2A or 2B). Joints means (9 and 10) allow the pivoting of this arm in an approximately vertical plane or in an approximately horizontal plane. As a result, the construction is simple and sturdy. The functioning of the device of the present invention is very simple. As a result, maintenance is also greatly simplified. These features and benefits are neither shown nor found in the Couser device.

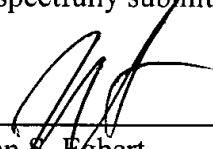
Applicant has revised the specification so as to correct for the minor errors found in the original specification.

Based upon the foregoing analysis, Applicant contends that independent Claim 11 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 11 should also be in condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

Date

5-13-03



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